

REMARKS

This amendment is in response to the Official Action mailed July 19, 2004.

Five sheets of formal drawings, together with a Letter to the Official Draftsperson, were submitted with the previous Response on April 19, 2004 to replace the informal drawings filed with the application. Applicant requests that the Examiner acknowledge receipt of those drawings

In the present paper, Applicant has amended claims 2-4, 7, 10-12, 19 and 20, has canceled claims 1, 5, 6, 16-18 and 21-25, and has added claim 37. Claims 2-4, 7-15, 19, 20 and 26-37 are presented for the Examiner's consideration in view of the following remarks:

*The Invention*

The inventor has devised a method and apparatus whereby predetermined network commands are selected and transmitted based on a physical engagement or disengagement of a personal communications device with a housing of a docking station. The commands may be for transferring a call that was active at the time the personal communications device was engaged with the docking station. The command may transfer incoming calls originally directed to a plurality of different network devices, to a single alternative network device.

In the outstanding Official Action, the Examiner has rejected claims 1-14 and 16-35 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,253,088 to Wenk et al. ("Wenk"); has rejected claim 26 as anticipated by U.S. Patent No. 5,652,789 to Miner et al. ("Miner"); and has rejected claim 15 under 35 U.S.C. § 103(a) as unpatentable over Wenk in view of U.S. Patent No. 6,519,458 to Oh et al. ("Oh").

*Independent Claim 7*

Applicant has rewritten claim 7 in independent form, incorporating the limitations of parent claims 1 and 6, which were canceled. Additionally, the incorporated language from claim 1 was changed to make clear that the “active voice phone call” referred to in claim 7 is a phone call that is active at the time the personal communications device is engaged with the docking station.

The Examiner has rejected claim 7 as anticipated by Wenk. Specifically, the Examiner states that Wenk teaches transferring a *future* incoming call, and that that teaching anticipates transferring an active voice phone call. Applicant submits that claim 7 now distinguishes the future incoming call of Wenk from a call that is active during engagement of the personal communications device with the docking station.

In one exemplary application of that claimed aspect of the invention, a user may arrive home while conducting a telephone call on her cellular phone. Without interrupting the conversation, the user places the cellular phone in a docking station, and the active phone call is transferred from the cellular phone to a land-line phone in the room (present specification, p. 11, para. [36]).

Applicant therefore submits that claim 7, as amended, is patentable over the disclosure of Wenk, and that claims 2-5 and 8-15, which depend directly or indirectly on claim 7 and thereby incorporate its limitations, are patentable for at least the same reasons.

*Independent Claim 19*

Applicant has rewritten claim 19 in independent form, incorporating the limitations of parent claims 16 and 18. Additionally, claim 19 now requires that the disengagement of the

personal communications device be detected “during an active voice phone call,” and that that active phone call be transferred to the personal communications device.

Applicant submits that claim 19 is patentable over Wenk for the same reasons discussed above with respect to claim 7. Applicant further submits that claim 20, which depends from claim 19, is patentable for at least the same reason.

*Independent Claim 26*

The Examiner has rejected claim 26 as anticipated by Miner and by Wenk. Applicant respectfully submits that Miner does not teach the limitations of claim 26, and therefore does not anticipate that claim.

Claim 26 requires

receiving a transfer command at the network communications device, the transfer command being associated with an active phone call on a first communications device.

As to Miner, the Examiner states that the transfer command is associated with a “future incoming call.” The transfer command is not claimed to be associated with “a future incoming call,” but is instead claimed to be associated with an “active phone call.” The term “active,” as commonly used and as clearly defined in the specification (e.g., para. [36]), does not mean “future.” The transfer command received in claim 26 must be associated with an *active* phone call, not a *future* phone call.

Further, the same active phone call with which the transfer command is associated is the phone call that is transferred to the second communications device without an incoming ring signal.

As to Wenk, the “transfer command” referred to by the Examiner and described by Wenk in the cited passages is similarly associated with future calls and is not associated with an active phone call.

Applicant submits that neither Miner nor Wenk teaches or suggests either receiving a transfer command associated with an active phone call, or transferring that active phone call to a second communications device, and for those reasons, claim 26 is patentable over that reference. Applicant further submits that claims 27-33, which depend directly or indirectly on claim 26, are patentable for at least the same reasons.

*Independent Claim 34*

The Examiner has rejected claim 34 as anticipated by Wenk. Applicant respectfully submits that Wenk does not teach engagement of the personal communications device with a *first* network terminal, while transmitting a redirect command identifying a network address of a *second* network terminal. Instead, Wenk teaches, at most, identifying a network address of the *same* network terminal that is engaged with the personal communications device.

The disclosure of Wenk teaches a docking bay 35 of a personal base station 18 for inserting the subscriber terminal. The Examiner alleges that Wenk discloses “identifying the network address of the subscriber terminal (i.e., personal communications device) and a source address (i.e., network address) of a personal base station (i.e., second network terminal).”

The Examiner, however, is also alleging that personal base station of Wenk is the *first* network terminal of claim 34 because it engages the subscriber terminal (Detailed Action of 7/19/04, paragraph spanning p. 3-4).

Because claim 34 requires both a first network terminal and a second network terminal as claimed, Applicant respectfully submits that Wenk does not anticipate that claim, and that claim 34, together with dependent claims 35 and 36, are patentable over the cited references.

*New Independent Claim 37*

New claim 37 is directed to method for controlling a network call controller. A predetermined command is transmitted from the docking station to the network call controller. The command is configured to transfer calls directed to both a first personal communications device and a second personal communications device to an alternative communications device.

The method permits a user to have calls that are directed to various terminals to be automatically forwarded to a single location, such as the user's home, when the user engages his cellular phone in a docking station. That embodiment is supported in the present specification at least at p. 6, para. [22].

Applicant submits that nowhere in the cited art is there disclosed that method.

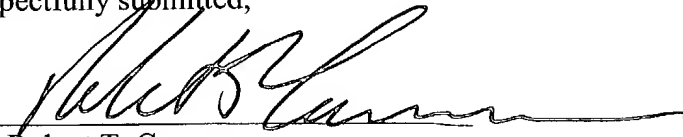
*Conclusion*

Applicant therefore respectfully asserts that claims 2-4, 7-15, 19, 20 and 26-37 are now in condition for allowance, and earnestly request that the Examiner issue a Notice of Allowance.

Should the Examiner have any questions regarding the present case, the Examiner should not hesitate in contacting the undersigned at the number provided below.

Respectfully submitted,

By



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